

Texas Board of Professional Engineers and Land Surveyors
Regular Quarterly Board Meeting Minutes
1917 S. Interstate 35
Austin, TX 78741
November 9, 2023
10:00 am Central Time

1. Preliminary Matters (Sina K. Nejad, P.E., P. Eng., Presiding Officer)

A. Call to Order

Dr. Sina K. Nejad, P.E., P. Eng., Chair, called the Regular Quarterly Board meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 10:02 a.m. at the Texas Board of Professional Engineers and Land Surveyors at 1917 S. Interstate 35, Austin, TX. (Note: all votes are unanimous unless noted.)

B. Recitation of the Pledge of Allegiance

Dr. Nejad led the recitation of the Pledge of Allegiance.

C. Roll Call

Mr. Sims called the roll. It was noted for the record that a quorum was present.

The following Committee members were present:

Dr. Sina K. Nejad, P.E., P.Eng.	Chair
Rolando Rubiano, P.E.	Vice-Chair
Coleen Johnson, R.P.L.S.	Secretary
Kiran Shah	Treasurer
Ademola Adejokun, P.E.	Member
Alber Cheng	Member
Karen Friese, P.E.	Member
Catherine Norwood, P.E.	Member
Mark Neugebauer, R.P.L.S., L.S.L.S.	Member
Dr. Marguerite McClinton Stoglin	Member

Amber Wodraska, Assistant Attorney General and General Counsel for the Board was present to provide legal counsel to the Board.

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
Rick Strong, P.E.	Director of Licensing and Registration
Michael Sims, P.E.	Director of Compliance and Enforcement

Jeff Mutscher
Elissa Mazza
Ed Brannan, P.E.
Mason Schoolfield

Chief Financial Officer
Staff Attorney
Technical Engineering Specialist
Director of Operations

D. Excuse absent Committee members

All Committee members were present.

E. Welcome Visitors

Lamberto Balli, P.E., Board Advisory Member; Jon Hodde, R.P.L.S., Board Advisory Member; and Trish Smith, Executive Director, Texas Society of Professional Engineers.

F. Public Comment

There were no public comments.

2. Consent Agenda

(The following items may be acted upon under Consent Agenda and are highlighted in blue on the Regular Quarterly Board Meeting Agenda).

A. August 9, 2023, Licensing and Registration Committee Meeting Minutes (See agenda item #3).

B. August 10, 2023, Legislative Issues Committee Meeting Minutes (See agenda item #4).

C. August 10, 2023, Nominating Committee Meeting Minutes (See agenda item #5).

D. August 10, 2023, Regular Quarterly Board Meeting Minutes (See agenda item #6).

E. Administrative Reports, Outstanding Administrative Penalties, Default Judgment, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (See agenda item #16)

F. Licensing and Registration Applications – Engineering and Land Surveying (See agenda item #20)

It was MOVED/SECONDED (Shah/Norwood) to approve items A-F, as presented in the **Consent Agenda**. A vote was taken, and the MOTION PASSED.

Board and Committee Meeting Minutes:

3. **(Consent Agenda) August 9, 2023, Licensing and Registration Committee Meeting Minutes**
4. **(Consent Agenda) August 10, 2023, Legislative Issues Committee Meeting Minutes**
5. **(Consent Agenda) August 10, 2023, Legislative Issues Committee Meeting Minutes**
6. **(Consent Agenda) August 10, 2023, Regular Quarterly Board Meeting Minutes**

Agenda items 3-6 were approved under Consent Agenda, see above.

Board and Advisory Members' Quarterly Activity Update:

7. **Board Members' Quarterly Activity Update, including conferences and meetings attended and presentations given:**
 - A. Adejokun
 - B. Cheng
 - C. Friese
 - D. Johnson
 - E. Nejad
 - F. Neugebauer
 - G. Norwood
 - H. Rubiano
 - I. Shah
 - J. McClinton Stoglin

8. **Advisory Members' Quarterly Activity Update, including conferences and meeting attended and presentations given:**
 - A. Balli
 - B. Edwards
 - C. Gonzalez
 - D. Hodde
 - E. Nadkarni

Reports were provided as exhibits and the reports were discussed. No action was taken on agenda items 7-8.

Finance and Budget Matters:

9. Finance and Budget

A. FY23 Fourth Quarter Budget Report

Mr. Mutscher reviewed the Fourth Quarter Budget report with the Board. The report shows minor positive variances in the budget versus actual revenue and expenses due to staff vacancies, despite the efforts to fill them. Mr. Mutscher is confident the expenditure will be on target in the future due to adding new staff in the coming month. Mr. Mutscher is certain that the budget adopted for this year, the fee adjustments made, and the projections made for the next five to seven years should be accurate. He is also confident with the agency's procedures in the internal operations.

No action was required on this agenda item.

B. FY23 Annual Financial Report

Mr. Mutscher reviewed the FY23 Annual Financial Report with the Board. The report is prepared each year in accordance with the Comptroller's regulations and methodology. The report includes the agency's financial position and other required items, such as a balance sheet, assets, summary of items, statistical analysis of clients and enforcement cases. Mr. Mutscher states the annual report was submitted well before the deadline.

C. FY23 Internal Audit Report

Mr. Mutscher reviewed the FY23 Internal Audit Report with the Board and stated that rather than hiring an external CPA as the internal auditor, SAO informed the agency that they would do a complete audit of the agency. So, rather than completing another internal audit, the SAO audit was submitted because it was comprehensive of the entire agency and listed good results for the agency.

D. FY24 Internal Audit Plan

Mr. Mutscher reviewed the FY24 Internal Audit Plan with the Board. Mr. Mutscher stated due to no internal audit being done in the licensing area in FY23 because of the SAO audit, he and Dr. Kinney propose the audit focus in the coming year to be licensing processes and procedures. Mr. Mutscher stated he had the external auditor prepare this plan with that in mind and will narrow down the scope of that audit at a future date. Mr. Mutscher stated that it is a requirement to post the plan and audit report on the agency's website.

It was MOVED/SECONDED (McClinton Stoglin/Friese) to approve the internal audit plan. A vote was taken, and the MOTION PASSED.

E. FY23 Annual Self-Directed Semi Independent (SDSI) Report

Mr. Mutscher reviewed the FY23 Annual Self-Directed Semi-Independent Report with the Board. Mr. Mutscher reported that the agency is required to report certain items by statute. The report is a compilation of the agency's financial and performance measure data and the most recent strategic plan. Mr. Mutscher, along with the other directors, compiled information and submitted it well before the deadline. This report reflected the activity over the past fiscal year and Mr. Mutscher is confident that the information submitted is accurate.

Committee Matters:

10. Licensing and Registration Committee Meeting Summary:

A. Applications for Licensure

- **Personal Interviews Cases:**

- 1. Rendon Bernot, Ricardo (represented by Jason Danowsky, Attorney)**

Ms. Norwood reported that the Committee had met and discussed the personal interview cases.

It was MOVED/SECONDED (Norwood/Johnson) that Mr. Rendon Bernot return before the licensing committee as a personal appearance after completing his court requirements, and after submitting documentation of his successful completion of the 60-hour Intermediate Level Ethics course from the Texas Tech Murdough Center for Engineering Professionalism (Murdough Center).

A vote was taken, and the motion passed.

- 2. Geitner, Kyle Joseph**

It was MOVED/SECONDED (Norwood/Johnson) for Mr. Geitner to be approved for licensure in Texas.

A vote was taken, and the MOTION PASSED.

- 3. Lightweis, Bryan Stephen**

It was MOVED/SECONDED (Norwood/ McClinton Stoglin) for Mr. Lightweis to be approved for licensure in Texas upon the successful completion of the 90-hour Advance Level Ethics course from the Murdough Center .

A vote was taken, and the MOTION PASSED.

- 4. Miller, Casey Alexander**

It was MOVED/SECONDED (Norwood/McClinton Stoglin) that Mr. Miller return before the licensing committee for reconsideration of licensure in Texas, after successfully completing his court requirements.

A vote was taken, and the MOTION PASSED.

5. Woodruff, Taylor Mark

It was MOVED/SECONDED (Norwood/Shah) that Mr. Woodruff be approved for licensure in Texas upon the successful completion of the 30-hour Basic Level Ethics course from the Murdough Center.

A vote was taken, and the MOTION PASSED.

B. Texas Board of Professional Engineers and Land Surveyors' Land Surveying Exam Update

Mr. Strong provided an update on licensing exams. The first Texas Specific Surveying Exam (TSSE) was given on October 13, 2023. The TSSE exam is required in conjunction with the National Principles and Practice of Surveying (PS) exam, both of which must be passed to become a registered professional land surveyor in Texas. Ninety-eight people took the TSSE and 48 of them passed. Of those, 27 people have already passed the PS exam and were issued registration for surveying. The new TSSE will be offered three times a year, beginning in March 2024.

Mr. Strong stated the next step on the TSSE is to focus on finalizing the next three exams through the QA/QC committee.

No action was required on this agenda item.

Executive Matters:

11. Executive Director Activities and Reports

A. Quarterly Meeting Activity Update, including conferences and meetings attended and presentations given

Dr. Kinney stated that a report of his meetings and presentations were provided as an exhibit and stated it is great to work with the team and be back doing some outreach.

No action was required on this agenda item.

B. Agency Operations Report

Dr. Kinney stated every department, including executive, is missing one or more staff members, and the team has been working hard to get those positions filled. Dr. Kinney wants to thank everyone for all their work to fill in those gaps while we are looking for new team members.

No action was required on this agenda item.

C. National Council of Examiners for Engineering and Surveying (NCEES) – Meetings and Activity Update

1. NCEES Annual Meeting – August 2023

Dr. Kinney stated that the NCEES Annual Meeting went well and is happy to see and hear that Texas carries a lot of weight, and when we bring something forward, it gets done. Dr. Kinney complimented the attendees on representing the Board so well.

The next NCEES meeting is the Southern Zone meeting on April 4-6, 2024, in Asheville, North Carolina. All zone meetings will be separate this year. Dr. Kinney will be sending members information on the Zone meeting in the coming weeks.

No action was required on this agenda item.

D. Outreach Report

Dr. Kinney reported the numbers associated with outreach. The team has been doing a great job. Dr. Kinney stated that the agency is looking to make an on-demand version of the webinars, which will be available to watch almost any day. Dr. Kinney stated there will still be live webinars, but there will also be ones that a person can sign up for and take anytime. Dr. Kinney stated this will cut down on some of the workload for the team.

No action was required on this agenda item.

E. Kudos Report

Dr. Kinney stated the teams work really hard and every time we receive something good, he puts it in his report. Lots of kudos to the teams for working hard this quarter.

No action was required on this agenda item.

12. Department Director Reports

A. Licensing and Registration Report, including updates on the department's operations and workload.

Mr. Strong stated Licensing had three Program Specialist and a Technical Reviewer vacancies and has been conducting interviews. Mr. Strong stated job offers have

been made and tentatively accepted to fill the three Program Specialists positions . Mr. Strong stated these individuals will be reporting on December 1, 2023 and receive six months to a year of training.

Mr. Strong also stated that the efficiencies of the team and some of the touch points of the different applications are being studied to try and find more effective ways to improve the timing and the distribution of the workload. Mr. Strong stated ongoing training has helped with team building and organizational skills. Mr. Strong stated he received good feedback from the team on the training.

Mr. Strong stated that for the fiscal year 2023, the licensing team processed 4,200 P.E. applications, 141 R.P.L.S. applications, 3,000 E.I.T. applications, and approximately 8,000 licensure verifications. The team completes all this work in addition to answering phone calls and processing cash payments. The processing time for P.E. applications went from 86 days to 81 days, and the R.P.L.S. processing time for applications is down to 67 days.

Dr. Kinney thanked Mr. Strong and the licensing team for all their hard work with the surveyor exams. It's not just giving the exam; it's developing the exam and rewriting and changing how surveyors get licensed.

Mr. Strong would also like to thank the team. It received a lot of good feedback from our customer survey review, 4.9 out of 5.

No action was required on this agenda item.

B. Compliance & Enforcement Report, including updates on the department's operations and workload.

Mr. Sims stated that staffing continues to be an issue and trying to find qualified individuals has been a challenge. The enforcement department currently has two vacancies for investigators. There were two interviews recently scheduled: one applicant didn't even show-up after confirming the interview, and the other applicant looked promising but didn't work out. The overall stress level is high in the department and workload is high. Mr. Sims appreciates his team for carrying a heavy workload.

Mr. Sims discussed case processing over the past three months, 151 new cases came in, and 152 cases were closed out. At the end of October, 208 cases were pending.

Mr. Sims stated there is one Agreed Board Order for Engineering, six Consent Orders, and one revocation order being presented later in the agenda for Board consideration.

Mr. Sims stated there are a couple of Informal Conferences on Surveying cases scheduled for early December and plans to schedule some Engineering Informal Conferences in December or January.

Mr. Sims stated that he is looking at updating the complaint forms and have a FAQ for complainants, so they are informed of the complaint process to help them understand the limitations of the enforcement program upfront to avoid situations where complainants get upset about things the Board can and cannot do.

As far as case processing for last fiscal year, there was a 10% decrease in overall cases. Mr. Sims stated the department was able to reduce the pending case load by 25 percent over the last fiscal year.

Mr. Sims stated that there were recent challenges due to changes in the Public Information Act.

Mr. Sims stated he is working to try to schedule a facility tour for his group as a team building activity.

Dr. Kinney thanked the enforcement team for their hard work and highlight that reducing the cases by 25% is a big deal.

No action was required on this agenda item.

C. Operations report, including updates on the department's operations and workload.

Mr. Schoolfield stated Operations has an open position and hasn't tried to fill it yet because he is evaluating department needs.

Mr. Schoolfield stated the building's security cameras were recently redone.

Mr. Schoolfield stated that lobby renovations should begin in January.

Mr. Schoolfield stated that the network administrator recently rolled out some security upgrades.

Mr. Schoolfield stated he recently wrapped up the Legislatively Mandated Cyber Security Framework Assessment and is waiting on the report.

Mr. Schoolfield stated he is studying generative AI updates and how it could benefit the agency.

No action was required on this agenda item.

13. Surveying Advisory Committee Report – October 24, 2023

Dr. Kinney stated this was the first-time meeting with the three new members of the committee. It was great to have them involved. Stan Piper was elected the new chairman of the committee.

Dr. Kinney stated the Committee is working on potential updates to the required 32-hour educational hours to become an RPLS.

14. FY 23 Performance Measures Report

Mr. Sims and Mr. Strong presented the performance measure report for Fiscal Year 2023 to the Board and answered questions on specific measures.

15. Honorary Engineering and Surveying Award Procedures

Dr. Kinney stated that he is working with Dr. Nejad on how to recognize individuals or firms that are supportive of the engineering and surveying fields in Texas and is working to finalize details on how to recognize these individuals.

Enforcement/Disciplinary Matters:

16. (Consent Agenda) Administrative Reports, Outstanding Administrative Penalties, Default Judgment, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases

17. Agreed Board Orders

Mr. Sims presented the Agreed Board Orders and relayed which Board members need be recused.

A. Engineering

1. Hayden Homes, P.E. – B-41375 (Norwood – recused)

It was MOVED/SECONDED (Friese/Johnson) to approve Agreed Board Order #1 as submitted. A vote was taken, and the MOTION PASSED.

18. Consent Orders

A. Engineering

1. Paul Douglas Marinshaw, P.E. – D-40597
2. Correen Corena Robertson, P.E. – D-41876
3. Matthew Stephen Monroe, P.E. – D-42309

Informal Reprimand

4. D-42378

B. Surveying

1. Jordan Reeves Garrett, R.P.L.S. – D-40753

It was MOVED/SECONDED (Rubiano/Friese) to approve the Consent Orders as submitted. A vote was taken, and the MOTION PASSED.

19. Revocation by Operation of Law – Robert Lee Collett, Jr., P.E.

Mr. Sims notified the Board that Mr. Collett's license had been revoked due to a felony conviction with incarceration. No vote was taken as the revocation already occurred by operation of law and the update to the Board was for informational purposes only.

Licensing and Registration Matters:

20. Consent Agenda* Licensing and Registration Applications – Engineering and Land Surveying

- A. Professional Surveyor Registration:
 1. Firms Approved
 2. Licensed State Land Surveyor (LSLS) Approved
 3. Registered Professional Land Surveyor (RPLS) Approved
 4. Surveyor-In-Training (SIT) Approved
- B. Professional Engineer Licensing:
 1. Licensure/Registration Status Counts
 2. Approved for Exams
 3. Approved for Licensure
 4. Firms Approved
 5. Waivers – Fundamentals of Engineering Examination
 6. Waivers – Professional Engineering Examination
 7. Waivers – Both
 8. Not Approved for Licensure

This agenda item was approved under Consent Agenda, see agenda item #2.

Miscellaneous Matters:

21. Future Board Meetings: Agenda items, dates, locations, and other arrangements

No issues were presented or addressed for future consideration at the next Board meetings.

22. Adjourn

It was MOVED/SECONDED (Norwood/Johnson) to adjourn the meeting at 11:23. A vote was taken, and the MOTION PASSED.

Date Board approved minutes: February 15, 2024